

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Confirmation No.: 1626
Magnus PELZ et al.	Date: February 28, 2011
Serial No.: 10/594,645	Group Art Unit: 3748
Filed: September 28, 2006	Examiner: Douglas J. Duff
For:	ARRANGEMENT FOR RECIRCULATION OF EXHAUST GASES OF A SUPER-CHARGED INTERNAL COMBUSTION ENGINE

VIA EFS-WEB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL PETITION UNDER 37 C.F.R. 1.181(A)

Sir:

The present Supplemental Petition is filed further to the Petition filed September 3, 2010 to withdraw a holding of abandonment based on failure to receive the Notice of Non-Compliant Amendment mailed December 16, 2009.

Subsequent to the filing on September 3, 2010 of the Petition, the attached Notice of Abandonment mailed January 26, 2011 was received. The Notice of Abandonment notes that because of Applicant's failure to file a proper reply to the Office correspondence of September 4, 2009 and notwithstanding the reply stated to have been received on September 3, 2010, the application is abandoned.

The Petition filed September 3, 2010 already addresses why the Notice of Non-Compliant Amendment was not respondent to in a timely manner, namely, it explains that the Notice of Non-Compliant Amendment was not received by our office soon after its mail date of December 16, 2009. Accordingly, no further response is believed to be necessary at this time.

Applicant requests withdrawal of a holding of abandonment on the ground that the Notice of Non-Compliant Amendment (37 CFR 1.121) was not received in the offices of the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON February 28, 2011

RCF:GB/jl

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert C. Faber", is written over a horizontal line.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,645	09/28/2006	Magnus Pelz	P/1228-214	1626
2352 7590 01/26/2011 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			EXAMINER DUFF, DOUGLAS J	
			ART UNIT 3748	PAPER NUMBER
			MAIL DATE 01/26/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

OFFICE FILE No.
11/228-214
26 Feb 2011

JAN 31 2011

Notice of Abandonment

Application No.

10/594,645

Applicant(s)

PELZ ET AL.

Examiner

Art Unit

DOUGLAS J. DUFF

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 September 2009.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ A reply was received on 03 September 2010 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Thomas E. Denion/
Supervisory Patent Examiner, Art Unit 3748

/Douglas J Duff/
Examiner, Art Unit 3748

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.